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November 30, 2022

VIA ECF

Honorable Paul A. Engelmayer, U.S.D.J.
U.S. District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Re: Wexler v. LVNV Funding, LLC
Case No. 1:22-cv-01348-PAE

Dear Judge Engelmayer:

We represent Defendants LVNV Funding, LLC and Resurgent Capital Services LP (“Defendants”) in the above-referenced matter. We write with regard to the Order entered on November 28, 2022 (Dkt 30).

Previously, on November 23, 2022, Defendants produced the following agreements (Dkt 27):

1. The Bill of Sale and Assignment pursuant to which Citibank, N.A. (“Citibank”) transfers, sells, and assigns the account to Sherman Originator III LLC (“SO III”);
2. The Transfer and Assignment pursuant to which SO III transfers, sells, and assigns the account to Sherman Originator LLC and then Sherman Originator LLC transfers, sells, and assigns the account to LVNV Funding LLC; and
3. The Limited Power of Attorney pursuant to which LVNV Funding LLC grants Resurgent Capital Services LP the power to manage its accounts.

On November 28, 2022, the Court entered an Order directing Defendants to produce the Master Purchase and Sale Agreement and Addendum (collectively, the “MPA”) that is referenced in the Bill of Sale and Assignment between Citibank and SO III by today. Please be advised that Defendants are currently not in possession of the MPA. It is also Defendants’ understanding that there is likely confidential trade information in the MPA that Citibank and/or SO III may object to disclosing.

Defendants are respectfully requesting an additional three weeks to meet and confer with Citibank and SO III to potentially obtain the MPA and produce it to the Court with the redaction of confidential trade information and/or other proofs regarding the contents of the MPA the Court may deem sufficient.

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Respectfully submitted,

GORDON REES SCULLY MANSUKHANI, LLP

s/ Peter G. Siachos

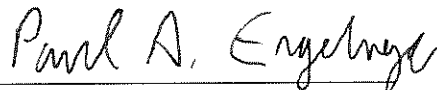
PETER G. SIACHOS

cc: All Counsel of Record – Via ECF

Granted. Defendants are ordered to file on the docket of this case the above-referenced documents by December 21, 2022. The related briefing deadlines are revised as follows:

- The renewed motion to compel arbitration is due January 2, 2023.
- The opposition is due January 9, 2023.
- The reply is due January 17, 2023.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
December 1, 2022